

Docket No.: 050212-0556



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
Motoki KAKUI, et al.	:	Confirmation Number: 4477
Application No.: 10/725,928	:	Group Art Unit: 3663
Filed: December 03, 2003	:	Examiner: A. Diacou

For: FLUORESCENCE GLASS, OPTICAL WAVE GUIDE FOR OPTICAL AMPLIFIER AND OPTICAL AMPLIFIER MODULE

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Restriction Requirement  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action dated December 5, 2005, the Examiner issued a rather complex Restriction Requirement that is difficult to understand and appears more theoretical than practical. On that basis, the requirement is traversed.

To be responsive Applicants elect Species I (listed on page 3 of the Office Action) and designate claims 14 through 18 as readable on the elected Species.

As to the further theoretical restrictions, Applicants traverse based upon procedural due process of law. In other words, Applicants are put in the dark to as to what the Examiner contemplates. As best understand, and in a *bona fide* attempt to be responsive, Applicants elect, with respect to the first enumerated paragraph on page 2, a composition containing SiO<sub>2</sub> from the grouping in claim 1, BaO from the grouping in claim 2, and Bi with another dopant Al<sub>2</sub>O<sub>3</sub>.

Further, in response to the second enumerated paragraph on page 2, Applicants elect the amorphous embodiment (b).

Favorable consideration of claims 14 through 18 is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

*Eric K. Jude Reg. No. 51,321*

Arthur J. Steiner

Registration No. 26,106

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 AJS:ntb  
Facsimile: 202.756.8087  
**Date: February 24, 2006**

**Please recognize our Customer No. 20277  
as our correspondence address.**